

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Tariff Filing Requirements for
Nondominant Common Carriers

CC Docket No. 93-36

REPLY OF THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL

The American Public Communications Council ("APCC") hereby replies to the opposition of AT&T to the petitions for reconsideration of the Commission's Report and Order and Request for Supplemental Comment in these proceedings, FCC 92-465, released November 6, 1992.

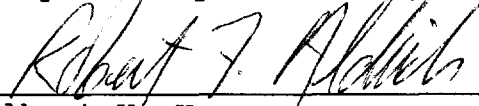
AT&T claims that its new calling cards are like other proprietary IXC cards because they "can only be used on a 0+ basis at telephones that have been presubscribed to AT&T." AT&T Opp. at 5. AT&T is wrong. As a number of parties have pointed out, a key difference between AT&T's cards and other IXC's cards is that AT&T validates its cards for other dominant carriers, i.e., LECs, thereby ensuring that they can be used to place 0+ calls on LEC networks at any phone, including telephones that have been presubscribed to AT&T. This practice generates a great deal of consumer confusion and frustration, with resultant anticompetitive effects on the interstate market. See Comments of Intellicall, Inc. at 3-4.

AT&T tries to avoid addressing the issue of its discriminatory validation practices by quoting the Commission's statement that they are "beyond the scope of the issues in this proceeding." AT&T Opp. at 12, quoting Order, ¶ 63. APCC's comments on the petitions for reconsideration explain in detail why those practices were directly relevant to -- in fact, are at the heart of -- the issues in this proceeding. First, consumers cannot be expected to differentiate clearly between intraLATA and interLATA calls. AT&T's practice of validating its CIID cards for LECs builds up consumer expectation of being able to use their CIID cards as a

This approach does not "handicap" AT&T; it puts AT&T cards on the same footing as other IXC proprietary cards, which also cannot be used on LEC networks.

AT&T also objects that an access code dialing requirement is disruptive and could not be enforced because AT&T's network cannot tell the difference between 0+ and 10XXX calls. AT&T Opp. at 9-10. Requiring AT&T to cease discriminatory validation is not open to these objections because it allows AT&T to continue receiving 0+ calls on its own network. Therefore, AT&T would not have to enforce the dialing requirement. In addition, to the extent AT&T believes 10XXX dialing is disruptive, it could continue trying to educate its customers to dial 0+ at phones presubscribed to AT&T, just as it is doing today. The difference would be that the source of confusion and competitive harm would be removed, because 0+ could only be dialed on AT&T's network with the AT&T card. The AT&T card could not be used on LECs' networks unless it could also be used on other OSP networks.

Respectfully submitted,



Albert H. Kramer
Robert F. Aldrich

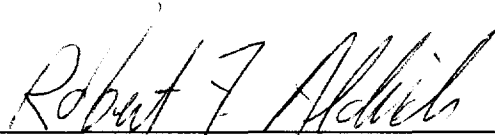
KECK, MAHIN & CATE
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919
(202) 789-3400

Attorneys for American Public
Communications Council

Dated: March 29, 1993
c:\data\wpfiles\aldrich\ciidpfr.rep

CERTIFICATE OF SERVICE

I, Robert F. Aldrich, hereby certify that on this 29th day of March, 1993, a true copy of the foregoing Reply of American Public Communications Council was served by first class mail, postage prepaid, upon the parties listed below.


Robert F. Aldrich

Francine J. Berry
Robert J. McKee
Richard H. Rubin
AT&T
Room 3244J1
295 North Maple Avenue
Basking Ridge, NJ 07920